

DOE Lessons Learned Template

Title: Contract Language

Date: 06/13/05

Identifier: 2005-RF-01

Lessons Learned Statement: Use of Contract Clause "B.8" Work for DOE Account, has been effective in reducing requests for equitable adjustments.

Discussion of Activities: This account reserves a portion of overall site activities to be excluded from a fee bearing account. This section has allowed additional scope in at no additional fee cost and does not require any amendments or adjustments to the contract.

B.8 ADDITIONAL ITEM(S) EXCLUDED FROM ACTUAL COST

Subparagraph (e) of Clause I.23 entitled "Incentive Fee" identifies certain costs that will not be included in "total allowable cost" for the purposes of fee adjustment. As set forth in subparagraph (e)(5), all other allowable costs are included in "total allowable cost" for fee adjustment in accordance with subparagraph (e), unless otherwise specifically provided in this contract. The following item(s) of cost are not to be included in "total allowable cost" for the purposes of fee adjustment under the clause "Incentive Fee":

- The cost of any lump-sum payment directed by the Contracting Officer in accordance with Clause H.9 "Responsibilities for Operation/Termination of Benefits Systems."
- Increased disposal or transportation costs for waste disposal sites controlled by DOE (such as NTS and WIPP)
- All administrative and closeout costs incurred by Contractor as referenced in Clause F.3 of the contract.
- Costs associated with specially-funded (e.g., EM-50 funded) technology deployment or implementation projects. Note: This exception applies only to the specially-funded portion of any such projects. (M018)

Recommended Actions: Suggest incorporation or broader usage of this contract clause

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Keywords: Contract Administration